

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

RUSSELL SCOTT FARIA,)
Plaintiff,) Case No. 4:16-CV-01175-JAR
v.)
SERGEANT RYAN J. MCCARRICK,)
DETECTIVE MICHAEL MERKEL,)
DETECTIVE PATRICK HARNEY,)
PROSECUTING ATTY. LEAH ASKEY,)
LINCOLN COUNTY, MISSOURI,)
Defendants.)

**DEFENDANT LINCOLN COUNTY MISSOURI'S JOINDER IN DEFENDANTS
MCCARRICK, MERKEL AND HARNEY'S MOTION TO DISMISS**

COMES NOW Defendant Lincoln County, Missouri by the undersigned counsel and pursuant to F.R.C.P.8(a)(2) respectfully joins in and incorporates by reference Defendants Ryan McCarrick, Michael Merkel and Patrick Harney's Motion to Dismiss and Memorandum in Support [*Docs. 15 and 16, respectively*]. For its Joinder in that Motion, Defendant Lincoln County, Missouri states as follows:

1. Plaintiff filed his First Amended Petition on or about September 15, 2016, adding Defendant Lincoln County as a party [*Doc. 7*].
2. Counsel entered his appearance for Defendant Lincoln County, Missouri on or about October 18, 2016.
3. Prior to the Entry of Appearance by the undersigned counsel for Defendant Lincoln County, Missouri, Defendants McCarrick, Merkel, and Harney filed a Motion to Dismiss and Supporting Memorandum. Defendant Lincoln County, Missouri joins in the Co-Defendants'

Motion to Dismiss and incorporates herein by reference Co-Defendants' Motion and Memorandum in Support.

4. Defendant Lincoln County, Missouri's Joinder in the pending Motion to Dismiss is not filed to delay these proceedings but in the interest of streamlining the case and burden on the Court and parties hereto.

WHEREFORE, for the reasons stated in Defendants McCarrick, Merkel and Harney's Motion to Dismiss, Defendant Lincoln County, Missouri respectfully prays that this Court enter an Order dismissing Plaintiff's Amended Petition in its entirety pursuant to Rule 8(a) with leave to file a Second Amended Petition that complies with the Federal Rules of Civil Procedure. Although Count VI of the First Amended Complaint does not state a Monell claim against Defendant Lincoln County, Missouri, to the extent it may be construed to allege a claim against Defendant Lincoln County, Missouri, it respectfully prays the Court enter its Order dismissing that Count for failure to state a claim upon which relief can be granted pursuant to Rule 12(b)(6); and for such further orders as this Court deems just and proper in the premises.

BARKLAGE, BRETT & HAMILL, P.C.

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CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true and correct copy of the foregoing document was served upon those persons named below, this 14th day of November, 2016 via ECF to:

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